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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,562	03/30/2004	Walton Fong	HITG.048PA(0549)	4116

7590 11/29/2005
Chambliss, Bahner & Stophel, P.C.
1000 Tallan Building
Two Union Square
Chattanooga, TN 37402

EXAMINER

RODRIGUEZ, GLENDA P

ART UNIT	PAPER NUMBER
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2651

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/813,562

Applicant(s)

FONG ET AL.

Examiner

Glenda P. Rodriguez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/30/04.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 6 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Forehand (US Patent No. 6, 760, 174).

Regarding Claim 6, Forehand teaches a drive controller for minimizing the cycle time of a burnish cycle, the drive controller comprising:

Memory for storing data therein (Fig. 2, Element 143); and

A processor, coupled to the memory (Fig. 2, Element 142), the processor being configured for performing an initial MR resistance measurement for a head, determining whether the measured MR resistance indicates the head has clearance and completing the test cycle when the head is determined to have clearance (Col. 2, L. 62 to Col. 3, L. 25, wherein Forehand teaches the procedure of fly-height or clearance control when a thermal asperity is encountered. The head then proceeds to test whether the cause of the thermal asperity and then proceeds to burnish the medium if necessary. See also Col. 7, L. 55-63).

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Method claim (1) is drawn to the method of using the corresponding apparatus claimed in claim (6). Therefore method claim (1) corresponds to apparatus claim (6) and is rejected for the same reasons of anticipation as used above.

Device claim (11) is drawn to the method of using the corresponding apparatus claimed in claim (6). Therefore device claim (11) corresponds to apparatus claim (6) and is rejected for the same reasons of anticipation as used above.

Regarding Claims 2, 7 and 12, Forehand teaches all the limitations of Claims 1, 6, and 11, respectively. Forehand further teaches wherein:

Initiating operation to reduce fly-height of the head (Col. 3, L. 12-13);

Continue burnishing the surface (Col. 3, L. 13);

Performing another MR resistance measurement (Col. 3, L. 14); and

Returning to determine whether the measured MR resistance indicates the head has clearance (Col. 3, L. 15-25 and also see Fig. 3, wherein it teaches the flowchart procedure.).

Regarding Claims 4, 9 and 14, Forehand teaches all the limitations of Claims 1, 6 and 11, respectively. Forehand further teaches wherein the determining whether measured MR resistance indicates the head has clearance further comprises comparing the absolute MR resistance measurements to a threshold to identify whether the head has clearance (See Fig. 3, wherein it compares the fly-height of the head when making the procedure.).

Regarding Claims 5, 10, and 15, Forehand teaches all the limitations of Claims 1, 6 and 11, respectively. Forehand further teaches wherein the determining whether measured MR resistance indicates the head has clearance further comprises comparing the MR resistance rate

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of change to a threshold to identify whether the head has clearance (See Fig. 3 with Detailed description of Fig. 3).

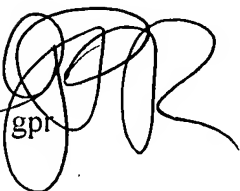
Regarding Claims 3, 8 and 13, Forehand teaches all the limitations of Claims 2, 7, and 12, respectively. Forehand further teach wherein initiating operation of increasing the pre-load to the head (Col. 8, L. 25-30, wherein the head is placed at maximum fly-height. It is inherent that if the head is at maximum fly-height the loading arm or transducer is exerting more force on the head to be farther from the disk, hence increasing the loading arm.).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Glenda P. Rodriguez whose telephone number is (571) 272-7561. The examiner can normally be reached on Monday thru Thursday: 7:00-5:00; alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on (571) 272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).




gpr

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Nov 23, 2005.



**DAVID HUDSPETH
SUPERVISORY PATENT EXAMINER
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